THE TRAVANCORE MATERNITY BENEFIT BILL.

Mr. K. G. Kunjukrishna Pillai: I move that the Travancore Maternity Benefit Bill as passed by the Sri Mulam Assembly be taken into consideration.

Mr. T. W. U. Park (*Travancore Planters*): I received the copy of the Bill as passed by the Assembly only this morning and I find that it differs in certain important aspects from the Bill as reported upon by the Select Committee. So, I would suggest that a little more time be given to consider the Bill and send in amendments.

President: I am perfectly in the hands of the House. If the facts are, as stated by the honourable member, that the copy of the Bill was placed in the hands of the honourable members only this morning and that they want more time for its consideration, I have no objection in granting that. It is entirely left to the House to decide it.

Mr. James Fletcher: It may be taken up for consideration just now.

Mr. Kochikal P. Balakrishnan Tampi (*Karunagapalli, Kartikapalli and Ambalapuzha* cum *Shertala*): I want just to draw the attention of the House to the fact that it is not a good practice to serve so hot in this House after going through the legislative oven elsewhere. Let there be an interval of at least 3 months. Let the intention of the bicameral legislature be served in point of time also. Let there be some interval between the passing of the Bill in one House and the coming of it in the other Chamber.

President: Generally speaking it is sound policy that some considerable time should be given between the passing of the Bill in one House and the consideration of it in the other.

Mr. Kochikal P. Balakrishnan Tampi: In view of the non-controversial nature of the measure I think this Bill may be passed this time, but with the serious injunction to the Legal Remembrancer that he must not be overhasty hereafter.

President: That will be noted.

The motion that the Bill be taken into consideration was put and carried.

Clauses 1 and 2.

The question that Clauses 1 and 2 do form part of the Bill was put and carried.

The Clauses were added to the Bill.

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Clause 3.

Mr. P. N. Krishna Pillai (*Nominated*): Sir, I beg to move the following amendment:—

"Add the following explanation to clause 3 sub-clause (b):—

"Explanation: Any premises declared by Our Government to be a factory under Section 5 (1) of the Travancore Factories Act VIII of 1114 shall also be deemed to be a factory for the purposes of this Act."

Sir, representing as I do the interests of labour, I have very great pleasure to support this wholesome social legislation which is long over-due. The Board of Conciliation which went into the trade disputes in the coir factories had recommended the enactment of such a legislation in 1115. The provinces of Madras, Bombay and Central Provinces have also enacted the Maternity Benefit Legislation. Sir, in considering the particular industrial situation in Travancore I think that the term 'factory' as it is defined in this Act and elsewhere is not quite suitable to the conditions obtaining in this State. Speaking in regard to this particular Act, I am prepared to point out that the bulk of the women labour is employed in Cashewnut Factories and also in the rehanking department of coir factories.

President: Does the honourable member mean employed or unemployed?

Mr. P. N. Krishna Pillai: We are legislating not for abnormal times like the present but for normal times. Though there may be slump in the industry at the present time, I hope that at normal time there will be work in the Cashewnut Factories. In the Cashewnut Factories there are more than ten thousand women workers and their condition is far from satisfactory in many respects. This is a legislation which would not apply to those factories because of the term 'factory' defined in the Act. The term 'factory' will have the same meaning as it is defined in the Travancore Factories Act. In the Travancore Factories Act Section 2 (j) the term 'factory' is defined as follows:—

(j) 'Factory' means any premises including the precincts thereof whereon twenty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of the power, or is ordinarily so carried on, but does not include a mine subject to the operation of the Travancore Mines and Minerals Regulation.

For the application of this definition, two conditions are necessary. One is that twenty or more workers should be employed and the other is that the factory should be worked with the aid of power. As it is, in most of the Cashewnut Factories there is absolutely no power used and so the term 'factory' will not be applicable to such

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factories. Of course, an attempt was made elsewhere to define the term 'factory' in this Bill so as to make it more liberal and to bring within its ambit all those concerns where ten or more workers are employed. But it was not successful. I do not want to go beyond the scope of the Travancore Factories Act. In interpreting the term 'factory' in the Maternity Benefit Bill, I feel that a difficulty will arise as to whether those factories which are notified as factories under the enabling provision of the Travancore Factories Act will come within the scope of this Act. I have got a doubt with regard to the interpretation of the word and I fear whether there will not be conflicting rulings by various Courts. Notified factories may not come within the scope of this Act. Section 5 (1) of the Travancore Factories Act says :—

> "Notwithstanding anything contained in clause (j) of Section 2 Our Government may, by notification in Our Government Gazette, declare any premises whereon or within the precincts whereof a manufacturing process is carried on, whether with or without the aid of power and whereon or within the precincts whereof, on any one day of the twelve months preceeding the notification ten or more workers were employed, to be a factory for all or any of the purposes of this Regulation."

So, I think by the benevolence of Government it will be possible to declare such precincts where ten or more workers are employed, as a factory.

Mr. K. G. Kunjukrishna Pillai : My honourable friend is labouring under a mistake. He thinks that the term "factory" has been defined in this particular Act or put down in this particular Act to mean the term "definition" in this particular Act.

President : If the honourable member's intention to make the definition clearer is accepted, it will delay the passage of the Bill. As a matter of fact, it is long over due and I think that he will allow this Bill to pass through as it is. If any amendment is needed, specifically, it will be advisable to move an amendment legislation later on on the lines suggested by the mover in his present amendment.

The amendment was thereon by leave withdrawn.

Mr. T. W. C. Park : I rise to move the following amendment. In Clause 5, Sub-clause (1), line 4, for the words "fourteen chuckrams" substitute the words "ten chuckrams". I do not wish to labour this point. Having regard to local conditions, the Select Committee deliberately recommended that the maternity benefit for women workers should be fixed at ten chuckrams per day instead of fourteen chuckrams. I suggest, therefore that the benefit of ten chuckrams would be fair and adequate.

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Mr. N. Krishna Aiyar: I am seconding the amendment. In doing so, I suggest that although at the present crisis fourteen chuckrams may not be too much, in normal times ten chuckrams will be found sufficient.

Mr. P. N. Krishna Pillai: I oppose the amendment. In the original Bill moved elsewhere, provision was made for the benefit at the rate of fourteen chuckrams. Of course, the Select Committee substituted ten chuckrams for fourteen chuckrams. In Bombay it is provided that eight annas will be the benefit that has to be offered to those who come within the ambit of this law.

Mr. T. W. U. Park: The wages are higher in Bombay.

Mr. P. N. Krishna Pillai: But even in considering the local wages in the most important industries like the coir industry it has been agreed in the Local Industrialisation Committee that 12½ chuckrams be the minimum wage for the women workers and the average will be higher than that. So it will be iniquitous if this amendment is carried. In these circumstances I oppose the amendment.

Mrs. Aberanam Gnanasikamoni (*Nominated*): I oppose this amendment. In doing so I wish to lay before the House that women should have nutritious food during the period of maternity. So they must be given eight annas or fourteen chuckrams and ten chuckrams is not sufficient.

Mr. K. K. Kuruvilla: I oppose the amendment. My honourable friend Mr. Krishna Iyer has stated that fourteen chuckrams should be given only in abnormal times. We do not know for how long this abnormal time will last. We are not sure of that. Under such circumstances it will be iniquitous for the Legislature to vote for ten chuckrams. Secondly the prices of all commodities like rice in this country are rapidly rising. In order to meet this the wages should be increased and a benefit of fourteen chuckrams to a worker cannot be said to be too much. My honourable friend who brought this amendment should know the position. In addition we must remember this is a Maternity Bill. I understand that maternity is a period in which women have to take particular care about their food. In a woman's life maternity period is a particular period when she needs better nourishment. So she must be given fourteen chuckrams during this period. Therefore I hope my honourable friend will withdraw the amendment.

Mr. Kochikal P. Balakrishnan Tampi: Sir, I also oppose the amendment. Anyway I am glad that it is not as Kipling sang, because East meets West and West meets East at least, where Big Business is concerned. All over the world the price of foodstuffs is rising abnormally. If the wages are to be brought

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down, the level of the price of foodstuffs will also have to be brought down. It may not be quite wise to have hopes of bringing down the price level in the near future. My friend Mr. Kuruvilla said that the cost of living is rising. The cost of living index figures do show that the wages have not risen proportionately to the price level. Therefore, not only in order to help the easy passage of this Bill, but also to be consistent with the traditions of mature wisdom of this House of Elders that this House should not allow the rate of fourteen chuckrams to be reduced. With these words, Sir, I am opposing the amendment.

The amendment was put to vote and declared lost.

Clause 5 was put to vote and carried.

Clauses 6 to 14 were put to vote and carried.

The Preamble and title were put to vote and carried.

The Bill was passed by the House.

President : The House will now adjourn and meet again at 12 o' clock tomorrow.

The House rose at 1.25 P. M.

B. PARAMU,

Secretary to the Sri Chitra State Council

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